

**STATEMENT OF EMERGENCY**  
**320 KAR 70:020E**

Pursuant to KRS 13A.190, the Governor of the Commonwealth of Kentucky does hereby declare that the proposed administrative regulation should be enacted on an emergency basis in order to alleviate the increasing motor fuel shortage and allow older retail fuel dispensers, which cannot compute a total unit price above 2.999, to price motor fuel in gallon or half-gallon increments, while modification kits are installed to correct the display problem.

It is necessary to promulgate this administrative regulation on an emergency basis because the normal process cannot timely accommodate the situation created by the increasing motor fuel shortage. This shortage has resulted in an unprecedented price increase. Requiring older retail fuel dispensers, which have existing fuel supplies, to shut down while modification kits are ordered will artificially reduce supply and increase motor fuel shortage. This emergency administrative regulation will allow consumers some relief by increasing, as opposed to restricting, motor fuel supply, while modification kits are installed. However, this emergency administration regulation does not suspend the statutory duty under KRS 363.760 for a retail facility to fully inform a consumer about the price at which motor fuel may be purchased at a particular fuel dispenser.

This emergency administrative regulation will expire on October 15, 2005 and will not be replaced by an ordinary administrative regulation.

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Ernie Fletcher, Governor

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Richie Farmer, Commissioner  
Department of Agriculture